

Notice of Allowability	Application No.	Applicant(s)	
	09/622,058	ZIV ET AL.	
	Examiner	Art Unit	
	Robert A. Wax	1653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed August 17, 2004.
2. ☒ The allowed claim(s) is/are 1-11 and 13-15.
3. ☒ The drawings filed on 24 August 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>09022004</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jerry Massie on September 8, 2004.

The application has been amended as follows:

In the specification:

Page 5, line 33, at end of line, insert --- (SEQ ID NO: 1) ---;

Page 5, line 34, at end of line, insert --- (SEQ ID NO: 2) ---;

Page 5, line 35, at end of line, insert --- (SEQ ID NO: 3) ---.

Page 6, line 25, at end of line, insert --- (SEQ ID NO: 1) ---;

Page 6, line 26, at end of line, insert --- (SEQ ID NO: 2) ---;

Page 6, line 27, at end of line, insert --- (SEQ ID NO: 3) ---;

Page 6, line 29, at end of line, insert --- (SEQ ID NO: 4) ---;

Page 6, line 30, at end of line, insert --- (SEQ ID NO: 5) ---.

Page 7, line 35, at end of line, insert --- (SEQ ID NO: 1) ---;

Page 7A, line 3, at end of line, insert --- (SEQ ID NO: 2) ---;

Page 8, line 3, at end of line, insert --- (SEQ ID NO: 3) ---;

Page 13, line 29, at end of line, insert --- (SEQ ID NO: 1) ---;

Page 14, line 9, at end of line, insert --- (SEQ ID NO: 7) ---;

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Page 14, line 24, before the period, insert - - - (SEQ ID NO: 8)- - -;

Cancel claims 16-20 and 22-25.

In claim 11, delete "pharmaceutical" and substitute therefor

- - -pharmaceutically- - -.

Amend claim 13:

13. (Currently amended) A method for the treatment of disorders of inappropriate activation of apoptosis comprising the step of administering a subject in need with a pharmaceutical composition according to Claim 10 a pharmaceutical composition according to Claim 10 to a subject in need thereof.

14. (Currently amended) A method for increasing the number of viable cells in a biological tissue comprising the step of administering a pharmaceutical composition according to Claim 10 to a subject in need thereof ~~a pharmaceutical composition according to Claim 10.~~

15. (Currently amended) A method for the enhancement for the survival of biological cells comprising the step of administering a pharmaceutical composition according Claim 10 to a subject in need thereof ~~a pharmaceutical composition according Claim 10.~~

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Wax whose telephone number is (571) 272-0623. The examiner can normally be reached on Monday through Friday, between 9:00 AM and 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon P. Weber can be reached on (571) 272-0925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Robert A. Wax', is positioned above the printed name.

Robert A. Wax
Primary Examiner
Art Unit 1653

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